

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 27<sup>TH</sup> SEPTEMBER, 2006

REPORT OF THE DIRECTOR OF ENVIRONMENTAL  
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2004/01715/FUL  
Appeal Method: Hearing  
Appeal Reference No: 06/1199763  
Appellant: Insight,  
**Location: GM2 House, Plymouth Road, Penarth**  
Proposal: Demolition of the existing two storey pitched roof GM2 house. Erection of a residential building of 25 apartments with associated undercroft car park and ground floor with split level residential unit and commercial unit  
Start Date: 29 August 2006

L.P.A. Reference No: 2006/00575/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1199836  
Appellant: Mr. & Mrs. I. Hawkins,  
**Location: 33, Redlands Road, Penarth**  
Proposal: Loft conversion - bedroom with en-suite  
Start Date: 5 September 2006

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(b) Enforcement Appeals Received

None received during reporting period

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2005/00696/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1198488  
Appellant: Mrs. Sharda Patel  
**Location: 3, Conybeare Road, Sully**  
Proposal: Two storey side extension  
Decision: Appeal Dismissed  
Date: 29th June 2006  
Inspector: Ms. P. Davies  
Council Determination: Delegated

## Comments

The Inspector considered that, by reason of its scale and proximity to the side road boundary, the proposed development would be visually imposing, projecting forward of the building line on Uphill Close. Even taking the lower of the proposed ridge height and given the marginal set in, she concluded that the proposal would dominate the appearance of the existing house and, in this spacious setting and having regard to its prominent corner location, would stand out as an overly large and visually dominant form of development harmful to the character and appearance of the street scene.

## Summary

This is a good decision which demonstrates the importance of ensuring that extensions to dwellings, particularly in prominent corner locations, are of appropriately design and scale.

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L.P.A. Reference No:	2005/01167/FUL
Appeal Method:	Hearing
Appeal Reference No:	06/1198020
Appellant:	Mr. K. Ali
<b>Location:</b>	<b>24, Broad Street Parade, Barry</b>
Proposal:	Amend Condition 2 of planning approval 02/00017/FUL to allow opening hours of: - Monday to Thursday 10:00 to 24:00 Friday and Saturday - 10:00 to 2:00 Sunday - 10:00 to 23:00
Decision:	Appeal Allowed
Date:	20 <sup>th</sup> July 2006
Inspector:	Mr. C. Cochrane
Council Determination:	Delegated

## Summary

The main issue in this case concerned the effect of the longer opening hours on the amenity of the occupiers of neighbouring properties.

The Inspector observed that Broad Street Parade, including the appeal site, is part of a long established retail/commercial area of Barry, and that in the immediate area there are over a dozen assorted hot food takeaways, restaurants, pubs and clubs, several of these being long established with no planning restrictions on the hours of operation. He also acknowledged that a number of licenses have recently been granted in respect of late night takeaway premises in this area, including one in respect of the appeal premises for the hours requested in this proposal.

The appellant maintained that the control of opening hours should be by way of the license which is more up to date legislation rather than the planning controls. Although acknowledging that the Council have granted a licence for the premises to remain open for longer hours than the present planning condition, the Inspector considered the Council had taken into account the prevention of public nuisance and the minimisation of disruption to local residents in granting this licence. Nevertheless, he considered that the protection of residential amenity under planning legislation is a separate matter where harm to such amenity may fall short of constituting either a public nuisance or disruption to local residents.

Notwithstanding the above, in this case he considered that the number of similar facilities in the immediate area is a material consideration, with clear evidence that a significant number of these premises are open into the early hours. The Council had no evidence of complaints from the residents of local flats about the current operation of the appeal premises or of any others in the immediate area.

Although appreciating the Council's concern that an approval in this case could be seen as a precedent for other similar uses to make applications for similar extensions to their operating hours, in the "rather unusual circumstances" of this local area with its concentration of such uses, the Inspector doubted that the extension of the opening hours at the appeal site and others would make any significant difference to the general levels of noise and disturbance which local residents currently experience. He noted that this is not a residential area in character and occupiers of flats above shops and commercial premises in a location of this nature might reasonably expect levels of noise and disturbance which would not be acceptable in a mainly residential area.

In the particular circumstances of this case, therefore, he concluded that the longer opening hours would not be unacceptably harmful to the amenity of the occupiers of neighbouring properties.

### **Comments**

This is a particularly interesting decision in two respects. Firstly, the Inspector has accepted the Council's submission (which themselves followed an earlier appeal decision at the Schooner Inn, Penarth) that it remains open to the Council as Local Planning Authority to consider matters of residential amenity, noting that "protection of residential amenity under planning legislation is a separate matter where harm to such amenity may fall short of constituting either a public nuisance or disruption to local residents" (i.e. a different test to licensing).

Secondly, although the appeal has been dismissed, this was on grounds relating to the specific characteristics of Broad Street/ Broad Street Parade, essentially as a 'late night' area of Barry. In this respect, while it has implications for other applications in this area, it also demonstrates that it remains open to the council to consider the specific implications of such additional opening hours on residential amenity depending on their surroundings.

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L.P.A. Reference No:	2005/01930/FUL
Appeal Method:	Hearing
Appeal Reference No:	06/1198518
Appellant:	Newydd Housing Association
<b>Location:</b>	<b>248, Holton Road, Barry</b>
Proposal:	Change of use of vacant offices to 3 no. 1 bedroom flats and ground floor office to provide temporary accommodation for persons with previous substance misuse problems and/or an offending background
Decision:	Appeal Allowed
Date:	27 <sup>th</sup> July 2006
Inspector:	Mr. C. Cochrane
Council Determination:	Committee (contrary to Officer recommendation)

## Summary

The main issues were whether the proposed development would provide adequate amenity space for the occupants of the proposed flats, and whether the lack of car parking spaces would be detrimental to highway safety. Local residents and Council members raised additional concerns about the future occupants of the proposed flats, whether they would engender anti-social behaviour or add to existing drugs problems in the locality.

The Council refused planning permission on the grounds that the development would not provide any off-street parking spaces and the rear amenity area would be inadequate to serve the proposed development.

In terms of amenity space, the Inspector noted that the appeal site lies in an urban area where all the properties have small rear yards, and that Holton Road is an area specifically targeted for the residential conversion of vacant upper floors under Policy SHOP11. The appeal building has three floors, but only a small yard, and it was considered likely that any form of residential conversion would accommodate at least 3 persons. The policy also does not restrict such conversions to special needs housing, while he considered it clearly the case that the conversion of the upper floors into a 2-bedroom maisonette or 2 larger flats for the general market would require an even larger amenity area under the Supplementary Planning Guidance.

In this respect, he considered the re-use of all 3 floors for residential occupation by only 3 persons is fairly low key, such that the proposed development would make reasonable use of the building, whilst meeting the Council's policy on conversions of vacant accommodation. In the circumstances the Supplementary Planning Guidance requirement for amenity space should thus be relaxed in order to allow this "scheme of considerable social benefit to the community" to proceed.

In terms of parking, he noted that there is no possibility of providing off-street parking spaces behind this terraced property so as to meet the needs of either existing or proposed uses. It would not be possible to provide the 4 spaces required by the standards, and he thus considered that if the Council is to realise its policy of converting such vacant floors in Holton Road into residential accommodation, in circumstances where there is no space available, the off-street parking requirement would need to be relaxed completely.

He also considered the proposed change of use to 3 single-person flats and a supervisor's office to represent a far less intensive use of the building than the previous office use, which was occupied by 10 persons with normal car parking requirements. This proposed housing for the homeless and disadvantaged would also be occupied by persons who are very unlikely to be car owners, and therefore the car parking requirement would be limited to the one or two staff in the small front office and visitors. He concluded that it "is hard to envisage a less intensive generator of car parking in this area", and would not be likely to cause additional on-street parking to the detriment of highway safety in this area.

With regard to the threat perceived by local residents from the prospective occupants, the Inspector noted that it would be a condition of tenancy that all prospective occupants must have completed rehabilitation treatment prior to occupation of the units. Therefore, as the occupants would also be continuously monitored, the development would be unlikely to introduce a criminal or unsociable element into the local environment. The proposed managed accommodation is clearly intended to provide those who have completed their rehabilitation treatment with a step towards re-entering the normal housing market.

In addition, the 3 flats would help to meet the ever-increasing need for new accommodation for homeless people, which is part of a multi-agency strategy with the Local Authority and Welsh Assembly Government to tackle the increasing number of homeless in South-East Wales. Although the perceived fear of rehabilitated offenders being present in the community is acknowledged as being a real factor in this appeal, he considered that there is “simply no evidence that the proposed facility would cause any harm to the neighbours in the residential area”.

## Comments

It will be noted from the detailed summary above that the Inspector has carefully considered the implications of the scheme in terms of amenity and parking (as refused) as well as matters of concern in the community relating to the perceived fear of crime etc from such a use. He has concluded, however, that no demonstrable harm would result, and that it would be entirely appropriate to relax parking and amenity standards for such a development in this area, particularly in light of the policies relating to re-use of vacant property in Holton Road.

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L.P.A. Reference No:	2005/01661/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1198511
Appellant:	J. Pidgeon & Son Limited,
<b>Location:</b>	<b>181, Court Road, Barry</b>
Proposal:	Detached single storey cold store room to rear
Decision:	Appeal Allowed
Date:	31 July 2006
Inspector:	Mr T. J. Morgan
Council Determination:	Committee (contrary to Officer recommendation)

## Summary

The main issues in the appeal concerned the effect of the proposal on the living conditions of neighbouring residents and its consequences for the safety and free flow of traffic in the vicinity.

The Inspector stated that he could understand the reasons that led to the concern and objections of local residents, particularly where a use which is of such a sensitive nature takes place in a primarily residential setting with such a close relationship with adjoining and adjacent residential uses. He also noted that a consequence of this close relationship is that the movement of coffins containing cadavers between the outbuilding and main building can be seen from the upper windows of the houses on either side and the shared use of the rear lane would also give rise to occasions when the use as a funeral directors would coincide with normal domestic activities and visits creating situations that would be awkward and unsettling, causing distress and thereby impacting on the living conditions of nearby residents.

He noted, however, that the present use has been active since 1892 and that the application does not amount to a material change in use of the premises, instead being for operational development that replaces an existing two storey outbuilding with a smaller single storey one occupying the same footprint. In this respect, all the activities that could take place in the premises if the proposal were permitted can take place in the premises as they presently stand and planning permission is not required for changes in the location within the premises of particular activities as long as they fall within the overall use.

Moreover, the existing outbuilding could be internally refurbished and provided with cooling equipment without the need to apply for planning permission and then used for the same purposes as the proposed building.

He considered that the amount of floor space available for the business would be reduced and that it does not necessarily follow that the proposal would lead to an increase in activity or consequent problems for the free and safe passage of vehicular and pedestrian traffic in the vicinity or the operation of the gated access to the rear lane over and above that which could be achieved with the present set up and internal refurbishment.

## Comments

The Inspector stated that, while members do not always have to follow officer advice, this has to be justified by good reasons, and that local opposition to a proposal is not, on its own, a reasonable ground for refusing permission, and that objections must be based on valid planning considerations. Although he did not doubt that the perceived fears of the public were genuinely held and such fears can be a material planning consideration, on the particular facts of this case, he considered them to be of limited weight and to not amount to good reasons to reject the proposal, such that refusal of planning permission on those grounds would be unreasonable.

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L.P.A. Reference No:	2005/01771/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1198512
Appellant:	Mr. P. Cancelliere,
<b>Location:</b>	<b>Manor House Hotel, Sully Road, Penarth</b>
Proposal:	Temporary marquee until November 2006
Decision:	Appeal Dismissed
Date:	31 July 2006
Inspector:	Ms. P. Davies
Council Determination:	Delegated

## Summary

The Inspector considered there were three main issues, these being (a) whether the proposal is inappropriate development in a green wedge and if so whether there are any very exceptional circumstances which would outweigh this harm; (b) the effect of the development on the character and appearance of the area; and, (c) the effect of the scheme on the living conditions of nearby residents, having regard to noise.

The marquee did not fall within any of the stated categories of 'appropriate' development in a green wedge, while it was seen to be a large, prominent structure that by reason of its scale and bulk intrudes significantly into its predominantly rural and open setting. In particular, its close relationship with the chalets to the rear of the hotel results in a built-up impression to the site with a consequent urbanising effect. Taking all of this into consideration, she concluded that the proposal would fail to maintain the openness of the green wedge and that it comprised 'inappropriate development'.

Although taking account of the commercial need for the proposal, PPW attaches substantial weight to any harm which a development would have on a green wedge such that she did not consider that this would amount to the very exceptional circumstances necessary to outweigh the harm to the green wedge.

In terms of character and appearance, in addition to being harmful to its open and rural setting, she also considered that its modern construction and material contrasts unpleasantly with the period and style of the main building, reinforcing its incongruous impact. Even for a temporary duration, she did not consider that the proposal would be acceptable in scale, form, impact or character to the existing building or to its rural location.

With respect to the impact on local amenity, she noted that the appeal site lies in a quiet tranquil location where background noise levels are low. In these circumstances, the reasonably thin fabric of the marquee would offer little protection from noise for nearby residents. Taking account of its scale and its use for wedding functions with associated loud music and large gatherings of people, she concluded that the proposal would cause significant disturbance to nearby residents, especially late at night when they might be sleeping. Conditions to restrict live music and hours of use would conflict with the overall purpose of the marquee and would not therefore be reasonable to impose.

### Comments

This is a fine decision both in respect of the conclusion that the development would be 'inappropriate' in the green wedge, and in respect of the adverse impact on residential amenity. It is understood that the owner may now seek to accommodate an alternative structure to allow functions, the impact of which will clearly have to be very carefully assessed.

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L.P.A. Reference No:	2006/00035/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1198644
Appellant:	Mr. and Mrs. White
<b>Location:</b>	<b>180, Port Road East, Barry</b>
Proposal:	Increase size of rear dormer window
Decision:	Appeal Dismissed
Date:	1 August 2006
Inspector:	Mr T. J. Morgan
Council Determination:	Delegated

### Summary

The main issue was the effect of the proposal on the character and appearance of the parent building and the locality.

The proposed rear dormer window would be some 4.9 metres wide and occupy much of the plane of the rear roof slope and protrude beyond its 'hip', and was considered to appear as a dominant rather than a subservient element in the roof, even when taking into account the approved side dormer. As a result the scale and massing of the dormer would make it an incongruous feature, unacceptably harming the character and appearance of the parent building and the locality. The proposal did not therefore achieve the standard of design sought by Policy ENV27 of the adopted UDP and national guidance in Technical Advice Note 12.

### Comments

This is another recent example of Inspectorate support in dismissing proposals for rear dormers of inappropriate design, size or scale which harm both the dwelling itself and wider local amenities.

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L.P.A. Reference No:	2003/00720/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1198594
Appellant:	Charles Insurance Consultants Ltd
<b>Location:</b>	<b>Adjacent Penarth Carpets, Queens Gate Mews, Albert Road, Penarth</b>
Proposal:	Construction of a building for retail purposes
Decision:	Appeal Dismissed
Date:	24 August 2006
Inspector:	Ms. P. Davies
Council Determination:	Delegated

## **Summary**

Relative to this small group of modest low rise commercial buildings, the height and scale of the roof to the proposed building, with its array of roof lights, was considered to result in a visually dominant and intrusive feature that would fail to respect the scale and form of existing development.

Although the site is identified as part of a weak frontage in the Penarth Conservation Area Appraisal, the Inspector nevertheless considered it to occupy a prominent roadside location on a reasonably busy street close to the town centre. In views along the street, which is identified as a key vista in the appraisal, the proposal would detract from the impressive period architecture of buildings in the area and erode the important contribution that they make to the character and appearance of this part of the Conservation Area.

The poor physical condition of the appeal site and the benefits of its redevelopment were not considered to condone development of unacceptable scale and design in this sensitive location. Accordingly the proposal would fail to preserve or enhance the character or appearance of the Conservation Area.

With respect to living conditions, the proximity and height of the proposal in relation to No. 1 Clive Place, especially in terms of an upper level habitable room window, was concluded to have a significantly overbearing impact on the outlook for the occupants concerned. Having regard to the orientation of buildings, there would also be some overshadowing and loss of light to the latter room and within the garden during the later part of the day reinforcing the oppressiveness of the development. She therefore concluded that the proposal would cause material harm to the living conditions of the occupants of No. 1 Clive Place.

## **Comments**

This is a good decision insofar as it supports the Council's objections both in respect of the impact on the conservation area but also on the amenities of the neighbouring property.

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L.P.A. Reference No: 2005/01581/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1198202  
Appellant: Mr. Marc White et al  
**Location:** **Land to the rear of Dryslwyn, Penwyllt, Kiva Koti, Turkey Oak House, Wits End and Heddfan, Llanmaes**  
Proposal: Change of use to domestic garden  
Decision: Appeal Allowed  
Date: 24 August 2006  
Inspector: Mr C. I. Cochrane  
Council Determination: Delegated

### **Summary**

See summary for joint enforcement appeals below.

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L.P.A. Reference No: 2006/00029/OUT  
Appeal Method: Written Representations  
Appeal Reference No: 06/1198970  
Appellant: Mr. D. & S. Williams  
**Location:** **Adjoining garden of Awelon, Treoes**  
Proposal: Proposed dwelling  
Decision: Appeal Allowed  
Date: 24 August 2006  
Inspector: Mr I. Osborne  
Council Determination: Delegated

### **Summary**

The main issues in this case concerned; first, the effect of the proposal on the character and appearance of this village; and second, whether both Awelon and the proposed dwelling would be provided with sufficient outdoor amenity space.

On the first main issue, the appeal site was noted to be on the edge of the old part of this village where the layout of buildings is typically informal and in some cases is on small plots. He considered this informality and sense of enclosure contribute substantially to the attractive character and appearance of the central part of this settlement. He considered the proposed bungalow would reflect these aspects of this village.

Turning to the second main issue, he considered that each of the small dwellings would have a reasonable amount of outdoor space, and with 40% of this at the rear of the building their occupiers would have a reasonable degree of privacy. Whilst vehicles being reversed onto the highway near the junction would not be ideal nevertheless given the small number of vehicles which use these village roads he did not consider that this would be unacceptable.

Overall he concluded that, whilst the proposal is not wholly in accordance with either Policy ENV27 or Policy HOUS8 of the UDP in that it does not fully meet the Council's outdoor amenity space standards, nevertheless the positive contribution which this proposed small dwelling would make to the character and appearance of the central part of this village is a material consideration which indicates that this appeal should be allowed. It would not constitute overdevelopment of the site in his view and would usefully add a small, modern dwelling to the housing stock of this village.

## Comments

Given the constrained nature of the site, this decision is regrettable. It does, however, demonstrate that the ability of such sites to accommodate new development while respecting local character is, to a large degree, subjective.

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L.P.A. Reference No:	2005/01173/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1198703
Appellant:	Mr & Mrs M J Long
<b>Location:</b>	<b>5, Croft Street, Cowbridge</b>
Proposal:	Rear extensions
Decision:	Appeal Dismissed
Date:	1 September 2006
Inspector:	Mr G. Rees
Council Determination:	Delegated

## Summary

See summary report for 3 Croft Street below.

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L.P.A. Reference No:	2005/01211/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1198704
Appellant:	Simon Wenham
<b>Location:</b>	<b>3, Croft Street, Cowbridge</b>
Proposal:	Rear extensions
Decision:	Appeal Dismissed
Date:	1 September 2006
Inspector:	Mr G. Rees
Council Determination:	Delegated

## Summary

The main issues in these jointly considered appeals were, firstly, the effect of the proposals on the character and appearance of the Cowbridge Conservation Area and secondly, the likely impact of the development on the visual amenities of occupiers of the adjoining terrace in terms of overshadowing and privacy.

The Inspector observed that the existing rear extensions of the terrace though not particularly distinctive, are on a relatively small scale in terms of size and height in comparison with the appeal proposals. The scale and massing of the proposed extensions, however, pay little regard to the modest proportions of the dwellings and would adversely affect the character and appearance of the terrace and conservation area to an unacceptable degree.

The facade would also contain a large element of glazed finish, which would form an incongruous intrusive element of the extension, significantly out of scale and character with existing window openings, especially at upper storey level.

In terms of amenity, he considered that in the case of the extension at No. 5 Croft Street the proposal would not overlook the property at No. 7 to an appreciable extent, but that the elongated two storey extension would be likely to deprive any habitable rooms in the partly enclosed recessed section at the rear of the nearby dwelling of further daylight, leading to some overshadowing. In his view this reaffirmed the conclusion that a development on this scale would be unacceptable at this location.

With regard to effect of the extension of No. 3 Croft Street on its neighbour at No. 1, he did not consider the proposal would be likely to result in significant overlooking and overshadowing of this adjoining property, where there are no nearby habitable room windows.

## Comments

These are two very good decisions in the context of the small-scale development in the central part of the Cowbridge conservation area, not least since they demonstrate that, even where such development is not visible in public viewpoints, this does not negate the need for such development to have special regard to the character and appearance of the Conservation Area.

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L.P.A. Reference No:	2005/01639/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1198800
Appellant:	A. G. Developments
<b>Location:</b>	<b>Chestnut Tree Cottage, Craig Penllyn</b>
Proposal:	Construct two new three bedroom detached dwellings. Widen vehicle access to side. Construct new access drive and associated parking for new dwellings and existing cottage
Decision:	Appeal Dismissed
Date:	1 September 2006
Inspector:	Mr G. Rees
Council Determination:	Committee

## Summary

The main issues concerned firstly the effect of the proposal on the character and appearance of the area and secondly the likely impact of the development on the visual amenities of occupiers of nearby dwellings.

The appeal site was seen to lie on rising ground at the eastern edge of but within the settlement of Graig Penllyn, with the existing compact cottage set quite low within the site immediately adjoining a narrow rural highway.

The Inspector considered that the construction of two substantial dwellings on elevated land of an open character at the sensitive interface of the rural village and the open countryside would unacceptably harm the character and appearance of the perimeter of the village and the countryside, including the adjoining hillside to the south and the Special Landscape Area of the Upper Thaw valley on the eastern side of the rural lane flanking the site.

The two storey dwelling at Plot 1 toward the rear of the site would have a particularly pronounced impact on the surroundings at a height of about 9m above road level, while the other dwelling, while slightly below road level, would also have an adverse visual impact owing to its close proximity to the rural lane where no screen planting would be allowed in order to comply with visibility standards for the new vehicular access.

He thus considered that the proposal would be out of accord with the pattern of development of Graig Penllyn, which is characterised for the most part by dwellings of a spacious disposition in a secluded woodland setting in the Thaw valley. It would also form an unacceptably hard edge of development between the village and the open countryside.

In order to satisfy the required visibility splays of 2.4 by 33 metres recommended by the highway authority for the new access, it would be necessary to make substantial changes to the road frontage of the property. Currently Chestnut Cottage is served by a short access to the garage, which has little visual impact on the rural surroundings. A wide access would be constructed about 1m to the south east of the cottage together with the required visibility splays to enable emerging drivers from the site and approaching vehicle and pedestrian traffic to view each other in time in the interests of highway safety. Such works would include the removal of shrub vegetation adjoining the garage and a section of hedgerow and trees flanking the highway, and also the lowering and re-aligning of an existing stone boundary wall along the frontage of the rural lane nearest to the cottage.

The extent of works required to access the land, apart from opening up the site to greater view, would also unacceptably suburbanise a site in a village which still retains some of its rural character, while the considerable percentage of the site taken up by the wide internal access road and 11 car parking spaces would accentuate the intensity of development.

In terms of the impact on neighbours, he considered the new dwelling would be set sufficiently apart not to give rise to significant overshadowing of existing properties, or cause an appreciable loss of visual amenities to occupiers of nearby dwellings.

## **Comments**

This is an excellent decision which is fully supportive of the Council's objections in terms of the adverse impact on the character of the village, but also places considerable doubt on the ability of this site to be developed for any new dwellings in the future.

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L.P.A. Reference No: 2006/00641/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1199464  
Appellant: A. G. Developments  
**Location:** **Chestnut Tree Cottage, Craig Penllyn**  
Proposal: Form new vehicular access to site, construct parking area for two cars  
Decision: Appeal Withdrawn  
Date: 11 September 2006

### Summary

This appeal was withdrawn by the appellants following the dismissal of their appeal for two dwellings on the same site.

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L.P.A. Reference No: 2005/01885/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1198712  
Appellant: Mr. D. & Mrs. E. Kidby  
**Location:** **The Oaks, Marine Parade, Penarth**  
Proposal: Two storey side extension  
Decision: Appeal Dismissed  
Date: 4 September 2006  
Inspector: Mr John Davies  
Council Determination: Delegated

### Summary

In view of the fact that the 2-storey part of the proposals has previously been approved, the issue was essentially the impact that the proposed garage would have upon the living conditions of the occupiers of the property to the north.

Although there is a considerable amount of shrubbery along the boundary reaching several metres high in parts, the roof of the proposed garage would rise a considerable distance above this vegetation and its roof would be prominent in views from this flat and from its small patio area.

Because of its scale, height and proximity, the Inspector considered the roof of the proposed garage would be dominating and intrusive in appearance when seen from the neighbouring property. It would have an obtrusive and unpleasant impact on the outlook from the main bedroom in particular, which has a large picture window directly facing the end elevation of the proposed garage. For these reasons he concluded that it would detract to an unacceptable degree from the living conditions that the residents of No. 1 Gwentland Drive could reasonably expect to continue to enjoy.

### Comments

This decision demonstrates the importance of ensuring that all new development is designed to respect its relationship with adjoining dwellings.

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L.P.A. Reference No: 2006/00286/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1198978  
Appellant: Mr. and Mrs. A. R. T. Davies  
**Location:** **Foxwood House, St. Hilary**  
Proposal: Demolish existing conservatory and build extension to existing house  
Decision: Appeal Dismissed  
Date: 6 September 2006  
Inspector: Mr C. Nield  
Council Determination: Delegated

L.P.A. Reference No: 2006/00286/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1198978  
Appellant: Mr. and Mrs. A. R. T. Davies  
**Location:** **Foxwood House, St. Hilary**  
Proposal: Demolish existing conservatory and build extension to existing house  
Decision: Appeal Dismissed  
Date: 6 September 2006  
Inspector: Mr C. Nield  
Council Determination: Delegated

## **Summary**

The main issue in this case concerned whether the proposed development would be consistent with the national policy aim of ensuring that houses built in the open countryside expressly for the purpose of providing accommodation for agricultural workers close to their place of work remain suitable for that purpose.

The Inspector noted that the appeal property was justified as an agricultural dwelling as an exception to the normal presumption against new housing in the countryside, based on the needs of the agricultural holding, Garn Farm. An agricultural occupancy condition was applied to the permission at that time, in accordance with national policy.

Advice in TAN6 which seek to ensure that the dwellings are kept available to meet this agricultural need were seen to illustrate the principles behind the use of agricultural occupancy conditions, such that they were entirely applicable to this case.

The Council argues that it has already allowed the house to be extended once and that, if the further extension now proposed were allowed, the house would be so big that it would not be commensurate with the needs of the holding or with the needs of the wider agricultural community in the locality. In this respect, the Inspector considered it entirely proper to seek to control increases in the size of dwellings in the open countryside where their original development was justified on the basis of agricultural need.

The Inspector considered the proposal represents a substantial further increase in size, and that the house is already quite large, with the proposed extension making it larger still. In his view, this would be contrary to the aims of the national policies to maintain the property for its intended use in the long-term. Affordability for an agricultural worker is an important requirement for such a dwelling, and further enlargement of the house would make it less affordable for such workers.

The Inspector noted that the Appellants have taken professional advice on the current value of the house and say it would be worth approximately £600,000 on the open market and perhaps £450,000 (allowing a 25% reduction) with its occupancy condition. They further argued that it is already beyond the financial means of most people employed in agriculture and that it is already too late to ensure that it remains suitable to meet its intended purpose of housing such people. The Inspector, however, did not accept that argument.

Firstly, he stated there is no particular reason why the house should be valued at 75% of the normal open market value if the limited market for which it is available (due to the occupancy restriction) does not warrant that value. A value appropriate to that limited market may be much less. Secondly, he said it is currently clearly affordable for Mr Davies, who is himself employed in agriculture. He further stated that no doubt there are other similar people also employed in agriculture who could afford to buy the house, albeit far less than if it were much smaller and cheaper and more in line with the means of an average agricultural worker. However, if the house was bigger, its value would be even higher, and it would be less likely in the long-term to serve the purpose for which it was allowed to be built. Accordingly he concluded that the proposed extension would be contrary to the aims of national policy.

## Comments

This is a notable decision which has successfully upheld the Council's objections in dealing with the matter of the size of agriculturally-tied dwellings, and accepted the implications of allowing such an increase in size to the continued retention of such tied properties in the area. It should therefore assist the Council in resisting other such unacceptable and unjustified increases in size of tied dwellings.

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### (d) Enforcement Appeal Decisions Received

L.P.A. Reference No:	ENF/2005/0217/E
Appeal Method:	Written Representations
Appeal Reference No:	C/06/1197319
Appellant:	Mrs J. Brooker
<b>Location:</b>	<b>52, St. Pauls Avenue, Barry</b>
Proposal:	Raised decking area to rear of dwelling
Decision:	ENF appeal DISMISSED
Date:	11 July 2006
Inspector:	Mr. T. J. Morgan

## Summary

The Inspector considered whether the decking area/balcony might be "permitted development" but, agreed with the Council that the decking area/balcony, even when excluding the staircase that serves it, projects further towards an adopted highway (the rear lane to the south east) than the existing building. Consequently, as planning permission is required and has not been obtained, there has been a breach of planning control and an appeal under ground (c) could not have succeeded.

In considering the deemed planning application, the main issue concerned the effect of the development on the living conditions of neighbouring occupiers in terms of privacy.

The balcony was seen to have a decked area of about 4m x 3m, which because of the fall in levels of the land on which the property is built, is in an elevated position in relation to the rear garden areas of the appeal property and its neighbours. Its use as a "sitting out" area would, he considered, result in its occupiers having clear views over the garden areas of its neighbours and those neighbours would have the perception and reality of their use of the gardens being overlooked from a close and elevated position.

In his judgement, the likely use of the balcony and ability to overlook neighbouring gardens and affect their privacy is an unacceptable consequence of the development, which convinces me that it is an unneighbourly development.

In the appeal under ground (f), the appellant argued that the concerns about overlooking have been remedied by the erection of an opaque screen such that the requirement to demolish and remove the decking/balcony structure is excessive. On this matter, although the screen could prevent close views through the neighbouring windows, it does not overcome the impact on the privacy of neighbours using their gardens. The requirements of the notice were therefore not excessive.

## Comments

This is a further example of an Inspector's support for the Council's enforcement of such balcony structures where their location and height cannot be mitigated by screening to the sides.

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L.P.A. Reference No:	ENF/2004/0422/M
Appeal Method:	Written Representations
Appeal Reference No:	C/06/1198154
Appellant:	Madetop Ltd.,
<b>Location:</b>	<b>O.S. 7182, to rear of Tudor Cottage, Llanbethery</b>
Proposal:	Unauthorised siting of a steel box container
Decision:	ENF appeal ALLOWED
Date:	27 June 2006
Inspector:	Robert Gardener

## Summary

The ground (e) appeal - that the notice was not served on all those with an interest in the land as required – was dismissed since the holding company concerned was clearly aware of the appeal, and given that the Council has shown, with tangible evidence, that it took reasonable steps to serve the notice on Madetop Ltd. I find no substance to this ground of appeal.

The appellants ground (b) appeal failed since the container is in place and the breach of control as alleged had occurred as a matter of fact.

With respect to the ground (c), the Inspector did not agree with the appellants submissions that, just because 2 railway wagons were previously sited in the field, that there is an entitlement to replace them.

Notwithstanding the above, the Inspector considered the Council's case that the steel box container is operational development (i.e. a building, engineering, mining or other operation as identified at s55 of the 1990 Act) as opposed to a use of the land.

He noted that case law has established a number of the factors which need to be taken into account when assessing whether an operation or material change of use has taken place, including such matters as degree of permanence, the length of time it has been in place, whether it is capable of being moved, degree of affixation, other works (such as a base) which have been carried out and any physical change in the land which has occurred. Irrespective of the submissions on the appeal on such matters, the Inspector chose to take a different view.

Although he accepted that the container may be treated as 'permanent', since there is no indication for instance that it was placed there for a specific event following which it was to be removed, he considered that needs to be balanced by the fact that the container was to be a temporary feature while planning permission was sought for a storage building (an application for which has since refused by the Council). He also considered that the container is "clearly capable of being moved" since that is what it was originally designed for and it is reasonable to assume that it could be taken away as readily as it arrived.

He also noted that, as explored at the site inspection, it is not fixed to the ground but simply put in place although its weight is sufficient to ensure its stability, while a single electricity cable connects it to the nearby outbuildings to Tudor Cottage otherwise no works have been involved. The base referred to in the notice requirements does not exist. Finally, he considered that it was not apparent that the siting of the container has physically changed the character of the land to any appreciable degree.

Based on this assessment, the Inspector's view was that what has occurred is a use of the land, not operational development.

Notwithstanding the above, the Inspector stated that the resulting use is not that of the storing of the container as such. He saw that its purpose is to house a wide variety of paraphernalia and equipment, some of which is overtly used for the maintenance of the land. As with the earlier railway wagons, the siting of the container may therefore be ancillary to the use of the land, although it may also have some purpose in relation to the adjoining dwellings. The matter then to be determined concerned whether the current use of the land and, with it the use of the container, is lawful.

In this respect, he noted that other stored items were more obviously of a domestic nature, and that the notice land generally has taken on a manicured appearance. Its current state thus implied that the domestic grounds of the houses may be being extended onto the land.

Although the land presently has an agricultural use which was lawful, he stated that whether that is its current use is a matter of fact and degree which had not been fully addressed in any of the submissions. In this respect, he considered it would not be appropriate to come to a firm conclusion on the matter. Consequently, although he could use his powers to formally correct the Notice to relate to a material change of use, he did not consider he could do so and determine the appeal without the potential for causing injustice to one side or the other. Accordingly, he considered the notice could not be corrected, such that it was quashed. The appeal thus succeeded to that extent.

## Comments

This is a complicated decision in two respects. Firstly, the Inspector has disagreed with the Council's submissions that the proposal related to operational development. Irrespective of this, however, he has considered the physical state of the land in question and, given his concerns that it may have some domestic use, he considered the notice should not be upheld since otherwise, effectively, he could be granting consent by default for such use.

Further enforcement investigations will now be undertaken, following which it remains open to the Council to take further enforcement action against the current breach (container) and any other existing breach at the site.

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L.P.A. Reference No:	ENF/2004/0410/E
Appeal Method:	Public Local Inquiry
Appeal Reference No:	C/05/1193715
Appellant:	Mr. Paul Gibson
<b>Location:</b>	<b>Land to rear of The Manse, Llanbethery</b>
Proposal:	Without the benefit of planning permission, changing the use of the land from open countryside to a residential garden extension to The Manse
Decision:	ENF appeal ALLOWED
Date:	23 August 2006
Inspector:	Mr T. J. Morgan

L.P.A. Reference No:	ENF/2004/0410/E
Appeal Method:	Public Local Inquiry
Appeal Reference No:	05/1193716
Appellant:	Mr. Paul Gibson
<b>Location:</b>	<b>Land to the rear of The Manse, Llanbethery</b>
Proposal:	Constructing, without the benefit of planning permission, a stone outbuilding outside of the residential curtilage of The Manse and within the open countryside
Decision:	WITHDRAWN
Date:	23 August 2006
Inspector:	Mr T. J. Morgan
Council Determination:	Committee

## Summary

For clarification, at the beginning of the Inquiry the Inspector adjourned proceedings after explaining his concerns about some aspects of the notices and appeals. Following discussions between the parties, agreement was reached, firstly that Appeal B should be withdrawn and secondly that ground (c) should be added to Appeal A.

In explaining his concerns about the notice subject to Appeal A, the Inspector pointed out that the area of land covered by the notice did not include a section of land which appeared to be part of the original parcel considered to be open countryside. This section lay closer to the original curtilage and a patio area had been constructed and a shed erected on it. As this excluded area did not form part of the alleged breach.

He queried whether this meant that the activities to be considered in determining whether there had been a breach of planning control in respect of Appeal A were limited to those described by the appellant, namely the mowing of the grass, the use from time to time by the appellant's son and local boys for playing football and the 3 or 4 garden parties held each year on the land. He also drew attention to the ability, in respect of the last mentioned, to use land for temporary uses by virtue of the GPDO.

Following discussion between the parties during the adjournments it was submitted on the part of the appellant that these activities did not amount to a breach of planning control as described in the notice. The Council indicated that they did not contest this submission or the evidence of the scale and nature of activities described by the appellant and others and were content for the notice to be quashed under ground (c).

The Inspector stated that he did not consider the undisputed evidence showed, as a matter of fact and degree, that there has been a material change in the use of the land to a residential garden extension. He noted that there has been no cultivation of the land, only mowing of the grass and apart from the more recent goal posts there is no evidence of other domestic equipment being stationed on it. The use for playing football in the way described does not amount to or contribute to a material change of use, and is probably *de minimis*. The use for garden parties in the manner described, even if development, would fall within the temporary uses permitted by the GPDO and could not be enforced against. In this respect he was satisfied, on the balance of probabilities, that there has not been a breach of planning control and the appeal under ground (c) must succeed.

## Comments

The manner in which agreement was reached between the parties that no breach of planning control had occurred was unusual, given that the appellants, at the Inquiry, essentially agreed with the councils submissions in this regard. Although stated as being allowed (with the Notice quashed), therefore, the Council's case was actually upheld, with no formal change of use of the land having been granted permission or deemed lawful.

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L.P.A. Reference No:	ENF/2005/0249/M
Appeal Method:	Written Representations
Appeal Reference No:	C/06/1198208
Appellant:	Andrew M. & Christine Bradbury
<b>Location:</b>	<b>Land to rear of Dryslwyn, Llanmaes</b>
Proposal:	Unauthorised garden extension
Decision:	ENF appeal ALLOWED
Date:	24 August 2006
Inspector:	Mr C. I. Cochrane

L.P.A. Reference No:	ENF/2005/0250/M
Appeal Method:	Written Representations
Appeal Reference No:	C/06/1198207
Appellant:	Dr. Morris
<b>Location:</b>	<b>Land to rear of Penwyllt, Llanmaes</b>
Proposal:	Unauthorised garden extension
Decision:	ENF appeal ALLOWED
Date:	24 August 2006
Inspector:	Mr C. I. Cochrane

L.P.A. Reference No: ENF/2005/0251/M  
Appeal Method: Written Representations  
Appeal Reference No: C/06/1198206  
Appellant: Peter & Fay Fairgrieve,  
**Location:** **Land to rear of Kiva Koti, Llanmaes**  
Proposal: Unauthorised garden extension  
Decision: ENF appeal ALLOWED  
Date: 24 August 2006  
Inspector: Mr C. I. Cochrane

L.P.A. Reference No: ENF/2005/0253/M  
Appeal Method: Written Representations  
Appeal Reference No: C/06/1198205  
Appellant: Richard A. & Susan N. Stevens,  
**Location:** **Land to rear of Merimbula, Llanmaes**  
Proposal: Unauthorised garden extension  
Decision: ENF appeal ALLOWED  
Date: 24 August 2006  
Inspector: Mr C. I. Cochrane

L.P.A. Reference No: ENF/2005/0254/M  
Appeal Method: Written Representations  
Appeal Reference No: C/06/1198204  
Appellant: Nicholas & Kathleen M. Turner,  
**Location:** **Land to rear of Heddfan, Llanmaes**  
Proposal: Unauthorised garden extension  
Decision: ENF appeal ALLOWED  
Date: 24 August 2006  
Inspector: Mr C. I. Cochrane

L.P.A. Reference No: ENF/2005/0252/M  
Appeal Method: Written Representations  
Appeal Reference No: C/06/1198203  
Appellant: Mr. Marc White,  
**Location:** **Land to rear of Turkey Oak, Llanmaes**  
Proposal: Unauthorised garden extension  
Decision: ENF appeal ALLOWED  
Date: 24 August 2006  
Inspector: Mr C. I. Cochrane

## Summary

All six of the above appeals were considered jointly (in addition to a separate planning appeal for all six garden extensions).

The main issues in each appeal concerned whether the change of use of the land from agriculture to residential curtilage would harm the character or appearance of the open countryside or the village conservation area; and whether the development represents a significant loss of agricultural land of acknowledged quality.

The appeal sites were seen to extend the rear gardens of the six dwellings by some 55m to 75 metres onto the adjoining farmland. The Inspector stated that, although the Council claims correctly that the boundaries of the gardens do not follow any existing natural or man-made boundary with the countryside, the eastern boundary does at least follow a logical line between two points on the extremities of the adjoining curtilages. In terms of the development boundary, he considered it rounds off an indentation in the village envelope rather than extending beyond the general line of development to form an intrusion into the countryside. As such, he concluded that the rounding off of the boundary with gardens to match those existing to the north and south would be an acceptable development within the countryside.

He also considered that the land does not appear to have a special function in protecting the setting of the settlement and its use for gardens does not impinge on the historic parts of the village.

As the land would be kept open in nature, he did not consider its loss to agriculture would be irreversible, and therefore it would meet some of the objectives of UDP Policy ENV2.

With respect to matters of archaeology, he considered that If permitted development rights are removed, it would be difficult to envisage domestic gardening being any more destructive to archaeological deposits than normal farming activities, nor would the use of the land as open gardens preclude the future investigation of the archaeological resource. Consequently, he did not accept that the change of use from agriculture to private gardens would have a detrimental effect on this site of archaeological interest.

Although noting the Council's concerns about the proliferation of permitted development and domestic paraphernalia within the new curtilages, to the detriment of the open aspect of the countryside, he considered removal of PD rights would ensure that the plots would not be built on or developed in an unacceptable manner. Apart from planting, fencing and hedging, the land would appear open and undeveloped in views from the surrounding area.

In order to retain a more open appearance to the land, he considered it would be necessary to secure the removal of those structures that have already been erected on three of the plots (a shed, greenhouse and satellite dish).

## **Comments**

Members will note from the report presented to the last committee that Officers are very concerned with the implications of this decision for other such substantial encroachments into the countryside, and dissatisfied with the Inspectors reasoning in this regard.

Although there is no guarantee of a successful challenge in this regard, such a challenge is in the process of being made to the Courts.

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L.P.A. Reference No: ENF/2005/0742/M  
Appeal Method: Public Local Inquiry  
Appeal Reference No: C/06/1198218  
Appellant: Mr. & Mrs. J. E. Raymond  
**Location:** **Gwern y Gedrych, Peterston super Ely**  
Proposal: i) Without the benefit of planning permission, constructing a two storey side extension, two storey rear extension and single storey front extension on the land.  
ii) Without the benefit of planning permission, constructing a second storey on an existing single storey annexe on the land.  
Decision: ENF appeal DISMISSED  
Date: 7 September 2006  
Inspector: Mr C. Nield

### **Summary**

The appeal under ground (b) was that the breach of control alleged in the notice has not occurred as a matter of fact. This related to inaccuracies in the actual descriptions of the breach, but it was agreed at the Inquiry that the scope and intentions of the enforcement notice have never been in doubt. Accordingly, he used the powers available to him to correct the notice as agreed, stating further that he was satisfied that no party would be prejudiced by this.

The main issue in the ground a) appeal concerned the effects of the extensions on the scale and character of the building and on its wider setting in the special landscape area.

The Inspector considered it appropriate to consider each of the extensions in turn, and then assess their cumulative effect.

He noted that the northern extension would raise the roof level of about half of the original house by some 1.5 metres to a level only marginally lower than the rest of the house. The effect of the extension is to increase the size and bulk of the building as a whole. The southern extension was also seen to be a substantial 2-storey extension, which incorporates a rear wing, and replaces a very small single storey lean-to extension, extending the length of the house from 23 metres to some 31 metres and adding substantially to the scale and massing of the building. Its roof is the same height as the original house and serves to emphasise the considerable length of the present building. The eastern (entrance hall) extension was considered to be of an unusual design and not ideally suited as a feature on the front of a house in this rural area, adding to the mass of the building.

Taken together, the 3 extensions were considered to increase the size and mass of the house to an unacceptable degree, such that they are disproportionate in size to the original dwelling. A house of this size was also concluded to look out of place in this rural environment, replacing, as it does, a house of much smaller scale, albeit with a mixture of design features.

Even though not readily seen from many public vantage points, the appeal development was also considered to be of such a size and impact as to have an unacceptable effect on the character of its surroundings, particularly in this rural and special landscape area. Proposed hedges would not mitigate such impact.

### *Appeal under Ground (f)*

The Inspector noted that the enforcement notice makes it clear that the reason the notice was issued was to alleviate adverse effects on the rural character of the building and the wider rural character of the special landscape area. The Inspector was thus satisfied that this could be achieved by reducing the height of the 2-storey extension at the southern end and that its complete removal would be an excessive requirement. He also considered a reduction to single storey could be described adequately in the notice.

So far as the increase in height of the northern end of the house was concerned, the Inspector was satisfied that, although it increases the size and bulk of the building, taken as a whole it is not detrimental to the character of the original building or its surroundings, such that its removal would be an excessive requirement.

Finally, the front (entrance hall) extension was noted to be seen against the central section of the main house, such that it has limited effect on perceptions of size and mass. Taken together with reduction of the southern extension to single storey and retention of the northern extension, he thus considered the removal of the entrance hall extension would serve little purpose towards alleviating the harm to amenity sought by the enforcement notice. It would therefore be excessive to require its removal.

### *Appeal under Ground (g)*

With respect to whether the time given to comply with the notice was too short, the Inspector considered the existing period to be satisfactory given that only one of the three elements now require removal. Furthermore, he saw no reason why the amended requirements of the notice could not be achieved within 6 months, even if a short period were spent attempting to reach some other solution, nor did he consider the appellants would suffer undue hardship in complying with this period or that it falls short of what should reasonably be allowed.

### **Comments**

Although only one element of the three enforced against requires removal after the Notice has been amended, that two-storey extension – which is required to be reduced in height by approximately three metres to make it single storey – is the principle objectionable part of the unauthorised development in question. In this respect compliance with the Notice will effectively ensure that the impact of the domestic property on this special landscape area is minimised.

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L.P.A. Reference No: ENF/2003/0598/M  
Appeal Method: Written Representations  
Appeal Reference No: C/06/1197799  
Appellant: Mr. D. E. Williams  
**Location: O.S. 4619, adjacent Arnold House, Barry Road, Dinas Powys**  
Proposal: Without the benefit of planning permission, erect additional buildings and structures, enlarge and extend previous buildings, site metal box containers and other similar structural items and lay a crushed and rolled stone hardstanding  
Decision: ENF appeal DISMISSED  
Date: 1 September 2006  
Inspector: Mr C. I. Cochrane

### **Summary**

The main issue to be decided was whether the retention of these containers, structures and extended buildings would harm countryside interests of acknowledged importance, contrary to development plan policies.

Although the appellant claims to have additional land holdings, these are well-separated from the appeal site. Although there may be livestock on these other areas, the appeal site at Arnold House was noted to be a relatively small parcel of land where there is far less agricultural justification for the erection of buildings or the siting of a metal box container. From his inspection, the land is used mainly for keeping and grazing of horses, with only a few sheep, goats and chickens in the form of a hobby farm.

These activities, he opined, did not amount to a proper agricultural use of the land, and the size of the small holding at Arnold House does not appear to qualify under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 for the type of development that has taken place. Clearly, the erection of stables for the horses would require separate planning permission, but the erection and extension of these large corrugated metal sheds or barns and the siting of a metal container do not appear to be justified for the uses being carried out on the land.

Although Policy ENV8 is generally permissive towards horse-related development, it is required to be of good design and general appearance in the rural area. The Inspector considered the main building to be unattractive in terms of its scale and form, while its considerable length runs along the back of the tree belt on the main road verge and quite visible from the road in the winter months. Consequently, he concluded that the barn structures and container are an unsightly intrusion in the open countryside that is protected as part of the "Green Wedge" designation in the Unitary Development Plan.

### **Comments**

Although there have been structures on the site for some time, this decision is welcomed since the Enforcement Notice will now ensure the removal of these unsightly structures in a highly prominent location at the entrance to Dinas Powys.

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## (e) April 2006 – March 2007 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	21	4	25	2
	H	-	2	2	1
	PI	-	-	-	1
<b>Planning Total</b>		21 (78%)	6 (22%)	<b>27</b>	
Enforcement Appeals	WR	9	7	16	2
	H	-	1	1	-
	PI	1	1	2	1
<b>Enforcement Total</b>		10 (53%)	9 (47%)	<b>19</b>	
All Appeals	WR	30	11	41	4
	H		3	3	1
	PI	1	1	2	2
<b>Combined Total</b>		31	15	<b>46</b>	7

(g) List of Forthcoming Hearings and Public Inquiries

<u>DATE</u>	<u>Site and Proposal/ Breach</u>
<b>4 OCTOBER 2006</b>	<b>HEARING – PLANNING APPEAL</b> Liege Manor Equestrian Centre, Bonvilston <i>Extension to dwelling</i>
<b>10 OCTOBER 2006</b>	<b>PUBLIC LOCAL INQUIRY - PLANNING APPEAL</b> Sealawns Hotel, Ogmere By Sea <i>Demolition of existing buildings on site and construction of 24 flats, parking on existing car park and disabled parking at high level together with hard &amp; soft landscaping</i>
<b>12 DECEMBER 2006</b>	<b>HEARING – PLANNING APPEAL</b> Land adjoining the former Golden Hind Public House and Bay Caravan Park, Lavernock <i>Change of use involving formal incorporation of land into Bay Caravan Park and provision of site access road and concrete bases</i>
<b>12 DECEMBER 2006</b>	<b>HEARING – ENFORCEMENT APPEAL</b> Land adjoining the former Golden Hind Public House and Bay Caravan Park, Lavernock <i>Change of use from former public house car park to become part of caravan site - retention of four concrete bases, access roadway,</i>

*lighting stanchions and gabion wall*

**12 DECEMBER 2006**

**HEARING – ENFORCEMENT APPEAL**

Land adjoining the former Golden Hind Public House and Bay Caravan Park, Lavernock

*Unauthorised hardstanding & service lines laid*

Background Papers

Relevant appeal decision notices and application files (as detailed above).

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